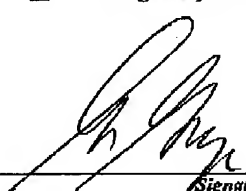



SEP 29 2004

| TRANSMITTAL LETTER (General Patent Pending) | | | Docket No. 16321-US-DIV |
|---|----------------------------------|-----------|----------------------------|
| In Re Application Of: Brent DUCKERING, et al. | | | |
| Serial No. 10/776,164 | Filing Date February 12, 2004 | Examiner. | Group Art Unit 2661 |
| Title: FAIR SHARE SCHEDULING OF MULTIPLE SERVICE CLASSES WITH PRIORITIZED SHAPING | | | |
| <p style="text-align: center;"><u>TO THE ASSISTANT COMMISSIONER FOR PATENTS:</u></p> <p>Transmitted herewith is:</p> <p>Response to Office Action mailed September 16, 2004 Certificate of Transmission by facsimile</p> <p>In the above identified application.</p> <p><input checked="" type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the Amount of _____ is attached. <input type="checkbox"/> The assistant Commissioner is hereby authorized to charge and credit Deposit Account No. 13-1717 as described below. A duplicate copy of this sheet is enclosed.</p> <p><input type="checkbox"/> Charge the amount of _____ <input type="checkbox"/> Credit any overpayment. <input type="checkbox"/> Charge any additional fee required.</p> <p> _____ Signature</p> <p>Dated: 09/29/2004</p> <p>George M. MacGregor 37,547</p> <p>Marks & Clerk Canada P.O. Box 957 Station B Ottawa, ON, K1P 5S7 Phone: (613) 236-9561</p> <p> * 2 3 5 5 3 *</p> <div><p>I certify that this document and fee being deposited on _____ with the U.S. Postal Service as first class mail under 37 C.F.R. 1.8 and addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div> | | | |

P15A/REV01

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Brent Duckering et al.

For: **FAIR SHARE SCHEDULING OF MULTIPLE SERVICE
CLASSES WITH PRIORITIZED SHAPING**

Serial No.: **10/776,164** Art Unit: **2661**

Our File : **16321-US-DIV**

September 29, 2004

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
U. S. A.**

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 16, 2004

Sir:

This is in response to the Official Action written September 16, 2004 in the above identified application.

It is noted that according to the Office Action summary claims 1-13 are pending in the application.

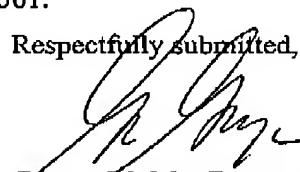
It is assumed, therefore, that the Examiner has not considered the Preliminary Amendment which was filed with the divisional application on February 11, 2004. A complete copy of the Preliminary Amendment as originally filed in which claims 1-13 were cancelled and claims 14-19 were added is attached hereto.

.../2

It is respectfully submitted that the claims filed with this amendment and formally made of record at this time distinguish the prior art of record.

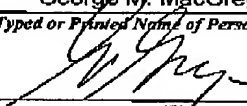
If the Examiner wishes to discuss any aspects of this Preliminary Amendment he is cordially invited to telephone the undersigned at (613) 236-9561.

Respectfully submitted,



George M. MacGregor, Reg. No. 37,547
Marks & Clerk
P.O. Box 957, Station B
280 Street, Suite 1800
Ottawa, Ontario, Canada
K1P 5S7

Telephone No.: (613) 236.9561
Facsimile No.: (613) 230-8821

| CERTIFICATE OF TRANSMISSION BY FACSIMILE (37 CFR 1.8) | | | Docket No. 16321-US-DIV |
|---|----------------------------------|----------|----------------------------|
| Applicant(s): Brent DUCKERING, et al. | | | |
| Serial No. 10/776,164 | Filing Date February 12, 2004 | Examiner | Group Art Unit |
| Invention: FAIR SHARE SCHEDULING OF MULTIPLE SERVICE CLASSES WITH PRIORITIZED SHAPING | | | |
| <p>I hereby certify that this <u>response to the Office Action dated September 16, 2004</u> (Identify type of correspondence)</p> <p>is being facsimile transmitted to the United States Patent and Trademarks Office (Fax. No. <u>703-872-9306</u>)</p> <p>on <u>September 29, 2004</u> (Date)</p> <p><u>George M. MacGregor 37,547</u> (Typed or Printed Name of Person Signing Certificate)</p> <p><u></u> (Signature)</p> <p>Note: Each paper must have its own certification of mailing.</p> | | | |

P18/REV01